

Arcamo, Judith

From: sjokeeffe@gmail.com on behalf of Stephanie O'Keeffe [stephanie@okeeffe.com]
Sent: Thursday, January 21, 2010 6:20 AM
To: Arcamo, Judith
Subject: for the packet
Attachments: Tanbrook Amherst Town Manager122109.doc; Tanbrook Bonnie Weeks Inspection.doc

Hi Judith --

Please print this e-mail and its attachments for the packet. Thank you.

Stephanie

----- Forwarded message -----

From: Select Board <SelectBoard@amherstma.gov>
Date: Sun, Jan 10, 2010 at 12:52 AM
Subject: FW: Failure to Communicate Complaint Against Inspection Department and Town Manager
To: "Weiss, Gerald" <WeissG@amherstma.gov>, "Brewer, Alisa" <avbrewer@comcast.net>, stephanie@okeeffe.com, dstein@mtholyoke.edu, "Shaffer, Larry" <ShafferL@amherstma.gov>, "Hayden, Aaron" <aahayden@amherst.edu>

From: Bob Daniels[SMTP:BOB_D23836@YAHOO.COM]
Sent: Sunday, January 10, 2010 12:53:12 AM
To: Select Board
Subject: Failure to Communicate Complaint Against Inspection Department and Town Manager
Auto forwarded by a Rule

TANBROOK CONDOMINIUM ASSOCIATION BOARD OF TRUSTEES
87 East Pleasant Street Amherst, Massachusetts 01002
Dr. O. C. Bobby Daniels, President
5013 Claybon Lane
P.O. Box 2836
Chester, Virginia 23831

bob_d23836@Yahoo.com

(804) 796-5991

.January 11, 2010

.Ms. Stephanie O'Keeffe, Chairperson
Select Board
Town of Amherst
4 Boltwood Avenue
Amherst, Massachusetts 01002

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Dear .Ms. Chairperson O'Keeffe:

Please find attached copies of my. November 21, 2009 detailed letter that I wrote to Ms. Bonita Weeks seeking her assistance with a very serious safety concern and my December 21, 2009 letter to Town Manager Shaffer requesting his support in having Ms. Weeks reply to my month-old letter. I had a professional and courteous telephone conversation with the Town's Electrical Inspector, Mr. John Bigelow, the previous day. He recognized the urgency of the situation and recommended that I write Ms. Weeks immediately. As of this writing I have not yet received the courtesy of a reply from Ms. Weeks. Mr. Shaffer's response was extremely brief, one sentence, perfunctory, and without an apology. I have been a property owner in Amherst since 1973, having owned and paid taxes on five different dwellings. Other members of the Tanbrook Condominium Association have similar records of property ownership in Amherst. We do not want to believe that the behaviors demonstrated by both Ms. Weeks and Mr. Shaffer are indicative of the treatment Amherst Select Board wants provided to its citizens and taxpayers. Their lack of professionalism and common courtesy are inexcusable, undeserved, and most regrettable indictments on our fine community.

Since the New Year 2010 is almost two weeks old, we feel compelled to report this disgusting situation to you as Chairperson of the Amherst Select Board and ask your assistance in ascertaining appropriate professional responses from Ms. Weeks. We regret having been forced to call this unfortunate negligence of duty to your attention, but hope you and the Board concur that this is not the manner in which either of you would like to be disrespected and ignored.

Thank you in advance for your understanding and attention to the aforementioned problem.

Sincerely,

O. C. Bobby Daniels, President

cc: Tanbrook Condominium Association Board of Trustees
Mr. Patrick Kamins, Property Manager

TANBROOK CONDOMINIUM ASSOCIATION BOARD OF TRUSTEES

87 East Pleasant Street Amherst, Massachusetts 01002

Dr. O. C. Bobby Daniels, President

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November 21, 2009

Ms. Bonnie Weeks, Building Commissioner
Town of Amherst
68 North Pleasant Street
Amherst, MA 01004

Dear Commissioner Weeks:

I am President of the Tanbrook Condominium Association Board of Trustees and am writing to request your assistance in addressing and legally assessing what the Association considers a very hazardous and potentially life-threatening situation in Unit E.

Since Mr. Roy Johnson purchased Unit E approximately a year and a half ago, the Trustee Board has received numerous complaints about the Unit E tenants, including: (a) loud party noise emanating from inside and outside of the Unit as late as 3:00 a.m., (b) illegal parking in fire lane, and (c) rubbish left in front of the Unit. The Amherst Police Department has been summoned on several occasions, due to the disturbance of the peace. Mr. Johnson has been notified of these complaints to no avail.

The aforementioned problems have been exacerbated since August of this year. The most salient being:

1. Concern that an excessive number of individuals might be living in Unit E
2. Concern that one or more individuals might be living in the one-car un-insulated garage. (In an effort to ascertain that there are no violations of the Town of Amherst occupancy and safety codes/ordinances, the Board has requested Mr. Johnson to simply please provide written statements that (a) give the actual number of individuals residing in the Unit and (b) no human being is using the garage as a living quarters.
3. Concern about Unit E residents and/or their visitors are illegally parking in the fire lane.

Mr. Johnson has refused to comply with these three requests. Consequently, I discussed these pressing issues with Mr. Bigelow on yesterday and he advised that I officially bring these issues to your attention.

As recent as Monday, November 16, 2009 a unit owner telephoned Kamins Realty Company, the company who manages the complex, and reported that a vehicle was illegally parked in the fire lane. Mr. Lance Lucas immediately drove to Tanbrook. While he was recording vehicle data necessary to report to the Amherst Police Department so that the vehicle could be towed, a gentleman rushed out of Unit E and removed the vehicle.

During the Annual Tanbrook Unit Owners' Meeting on October 16, 2009, (Mr. Johnson did not attend.) considerable concern and criticism were intensely raised about Unit E to the extent that I personally went to inspect the Unit after the meeting had adjourned, but no one was home. What I could see through the entrance door was an overflowing trash container in the midst of garbage, alcoholic beverage bottles, and paper products strewn across the kitchen floor. Since I had to fly back to Virginia the next morning I asked Mr. Patrick Kamins to please inspect the Unit the following Tuesday. I had e-mailed Mr. Johnson and reported to him the concerns raised at the Annual Meeting and the Board's request for his cooperation in investigating the allegations. He replied that the earliest that he could visit the Unit would be on Monday night, October 19, 2009. Mr. Kamins telephoned him around 1:00 P.M. on October 19th also, but was only able to leave a message in his voice mailbox requesting that he call him ASAP which he never did. When Mr. Kamins visited Unit E two of the residents were present, courteous, and the place was clean. There were no signs of anyone living in the garage. One of the young ladies stated that Mr. Johnson had informed them earlier on October 19th that the Amherst Department of Health was going to do an inspection and that they should "get things in order." Neither Mr. Kamins nor I had made such a request to the Amherst Health Department and when I attempted to get Mr. Johnson to reveal the name of the person in the Department who allegedly informed him of an intended inspection, he refused to do so.

In a subsequent conversation between Mr. Kamins and Mr. Johnson, Mr. Johnson stated that the Health Department had approved the use of the garage as a recreational area. When Mr. Kamins inquired as to how it was being heated, Mr. Johnson, explained that it was being heated in the same manner as the previous, Mr. Eric Rosenfeld owner had done. Mr. Johnson explained that Mr. Eric Rosenfeld, had told him that he had been able to increase revenue by secretly having some modifications made to the unit's electrical heating system that permitted heat to flow into the garage. and rent that area out.

Firstly, such a modification must adhere to established Town of Amherst protocol. Secondly, if approved by the Town, the project proposal must be reviewed and acted upon by all of the Tanbrook Unit owners. The Tanbrook unit owners were never made aware of Mr. Rosenfeld's illegal tampering with the electrical heating system of Unit E. Since the Unit Owners know absolutely nothing about this project which is in violation of the Tanbrook By Laws, there is grave concern to ascertain if it complies with Town codes, etc. Quite frankly, the likelihood and potential for an electrical fire to spread

throughout the Tanbrook complex is quite possible. The Amherst Fire Department would be severely disadvantaged if a vehicle were illegally parked in the only accessible fire lane into the complex. The rather recent Bank of America fire is an example of the problems presented by Tanbrook's close and contiguous alignment of units. It was the prompt efficiency of the Amherst Fire Department which contained the conflagration that possibly prevented it from spreading onto Tanbrook property.

I have written at length, because I felt it the prudent thing to do, after having received a call from another unit owner reporting a second illegal parking situation this week late Wednesday night.. Since Mr. Kamins is on vacation and will not return to his office until the Monday following Thanksgiving, Mr. Lance Lucas has been informed of this development and will be available to accompany an inspector from your department as he has access to a pass key. Mr. Johnson has never given Kamins Realty a personal address or phone number. The information on file for him is: Jones Town and Country 200 Triangle Street (413) 237-7757.

If I can be of additional assistance, please do not hesitate to contact me.

Sincerely,

O. C. Bobby Daniels, President Tanbrook Board of Trustees

cc: Mr. Patrick Kamins

TANBROOK CONDOMINIUM ASSOCIATION BOARD OF TRUSTEES

87 East Pleasant Street

Amherst, Massachusetts 01002

Dr. O. C. Bobby Daniels, President

5013 Claybon Lane

P.O. Box 2836

Chester, Virginia 23831

bob_d23836@Yahoo.com

(804) 796-5991

December 21, 2009

Mr. Laurence Shaffer, Town Manager
4 Boltwood Avenue
Amherst, Massachusetts 01002

Dear Mr. Shaffer:

Please find attached a copy of a November 21, 2009 detailed letter that I wrote to Ms. Bonita Weeks seeking her assistance with a very serious safety concern. I had spoken with Mr. John Bigelow the previous day who recognized the urgency of the situation and recommended that I write Ms. Weeks. I copied him on my letter to Ms. Weeks.

A month has passed and I decided to write you, because I have not received the professional courtesy of even an acknowledgement of my letter from Ms. Weeks and as of December 19, 2009 no one from her department had even bothered to contact Kamins Realty to address the safety concerns. Your assistance in getting the matter inspected and evaluated with recommendations would be greatly appreciated. I regret my having to call this matter to your attention, but, after reading my letter to Ms. Weeks, I think you will concur that a potentially dangerous safety situation exists at the condominium complex.

Thank you for your consideration of this urgent request.

Sincerely,

O. C. Bobby Daniels, President

cc: Ms. Bonita Weeks
Mr. John Bigelow
Mr. Patrick Kamins

Arcamo, Judith

From: sjokeeffe@gmail.com on behalf of Stephanie O'Keeffe [stephanie@okeeffe.com]
Sent: Thursday, January 21, 2010 6:22 AM
To: Arcamo, Judith
Subject: also for the packet
Attachments: 87-95 East Pleasant-Tan Brook Condo- 1-2010.pdf

Hi Judith --

Please also include this e-mail and its attachment in the packet. Thank you.

Stephanie

----- Forwarded message -----

From: **Weeks, Bonita** <WeeksB@amherstma.gov>
Date: Tue, Jan 12, 2010 at 7:28 PM
Subject: Tan Brook Condominiums
To: "O'Keeffe, Stephanie" <stephanie@okeeffe.com>
Cc: "Shaffer, Larry" <ShafferL@amherstma.gov>, "Ziomek, David" <ZiomekD@amherstma.gov>

Dear Ms. O'Keeffe

Please find attached a letter of apology to the Select Board in relation to the above issue

The letter outlines some of the measures that have been taken.

In defense of this Department, and Mr. Shaffer I would like to note that December 2009 was a very challenging month with two significant emergencies requiring a coordinated response from my office.

On December sixth there was an apartment/condominium fire that displaced a number of people. We made it the priority of this Department to get as many people back into their homes as quickly as possible.

On December thirteen there was a water heater rupture on the top floor of a four story building. This impacted six dwelling units and two businesses. Again, it became a priority of this office to; 1. Keep one of the businesses running, which required changes to their space and isolating affected electrical circuits, then 2. To get the other business, and apartments open as quickly as possible.

That is not to say that the Tan Brook situation was not important. It is simply the case that these two incidents required a lot of time and assistance from both the Electrical Inspector and myself.

Sincerely,

Bonita Weeks

Building Commissioner/

Zoning Enforcement

Town of



AMHERST

Massachusetts

TOWN HALL
4 Boltwood Avenue
Amherst, MA 01002-2351

INSPECTION SERVICES DEPARTMENT
Phone (413) 259-3030 · Fax (413) 259-2402
Email: inspections@amherstma.gov

January 12, 2010

Ms. O'Keefe,
Chair of the Select Board
Amherst, MA

Dear Ms. O'Keefe,

I am sorry about the delay in getting back to Mr. Daniels with respect to the Tan Brook Condominium issues.

It was my understanding, and the understanding of my Electrical Inspector that the unit in question was being handled by the Kamins management company. Since the concerns expressed in the letter, with respect to Code issues, were primarily related to electrical issues the Electrical Inspector was working to get in touch with this management company.

Once we were able to connect with the Kamins management company, they made us aware that their company dealt with only the outside of the units and that the rental and management of the unit in question was being handled by the owner. Although Kamins had a key to the unit it was for emergency purposes only.

At that point, this office made contact with the owner and scheduled an inspection of the property.

In addition to the above, I have been looking into past records for the property, including zoning and permitting. Permit records have only been computerized since 1995. Documentation for any work prior to 1995 has to be hand researched. The Tan Brook Condominiums were constructed under a Zoning Special Permit from 1978. It takes some time to gather the information/records on projects that are more than thirty years old.

To make a determination on Town Zoning issues vs. private issues, and to effectively follow up on Town Zoning issues this research is required.

I had also been in contact with Gary Courtemanche, Assistant Sanitarian, from the Health Department on the trash issues. He had been out to the site. Gary informed me that, during those times he was at the site, there had not been any parking issues and the trash had been taken care of. The health/housing inspectors have been working with the Police officer for that district. Gary also agreed to include the area as part of the periodic "rounds" done by the

Inspectors from the Health Department and that he would let me know if there were any further issues.

Both the Electrical Inspector and I are scheduled to inspect the unit in question this Wednesday, January 13th.

It was my intention to be in contact with Mr. Daniels once the inspection and research were complete.

Again, I apologize for leaving Mr. Daniels with the impression that this office was not doing anything and that Mr. Shaffer had not been acting on his behalf. My staff and I have been working on this issue and we have been in contact with other appropriate departments as well.

Sincerely,

A handwritten signature in cursive script that reads "Bonita Weeks".

Bonita Weeks
Building Commissioner/
Zoning Enforcement